

# TRIPURA GAZETTE

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PART--I-- Orders and Notifications by the Government of Tripura,  
The High Court, Government Treasury etc.

**GOVERNMENT OF TRIPURA  
DEPARTMENT OF HEALTH & FAMILY WELFARE  
TRIPURA**

No: F. 1(4)/SMHA/MPH/2020

Dated, Agartala, the 18th April, 2024.

## **NOTIFICATION**

In exercise of the powers conferred by sub-section (2), read with sub-section (4) of section 121 and sub-section (2) of section 55 of the Mental Healthcare Act, 2017 (Act No. 10 of 2017), the Government of Tripura hereby makes the following Rules, namely:-

**RULES**  
**CHAPTER-I**  
**Preliminary**

**1. Title and Commencement:-**

- (1) These Rules may be called the Tripura Mental Healthcare Rules, 2023.
- (2) They shall come into force on the date of their publication in the official Gazette.

**2. Definitions: —**

- (1) In these Rules, unless the context otherwise requires, -

(a) "Act" means the Mental Healthcare Act, 2017;

(b) "Custodial institutions" mean and include prison, police station, beggar home, orphanage, women protection home, old age home and other institutions run by the Government, local authority, private or public trust, corporation, cooperative society, organization or any other entity or person, where any person having custody of one or more individual residents, who are generally not permitted to leave the institution except with the consent of such entity or person;

(c) "De-addiction facility centre" means and includes any place or institution as defined under clause (p) of sub-section (1) of section 2 of the Act and where persons diagnosed to have abuse or dependence on alcohol and/or other drugs are treated and cared for;

(d) "Section" means section of the Act;

(e) "State Authority" means the Tripura State Mental Health Authority established under section 45 of the Act; and

(f) "State Government" means the Government of Tripura.

- (2) The words and expressions used but not defined in these Rules shall have the
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same meaning as assigned to it in the Mental Healthcare Act, 2017 or in the Indian Medical Council Act, 1956 (Act 102 of 1956) or in the Indian Medicine Central Council Act, 1970 (Act 48 of 1970) as the case may be.

## **CHAPTER-II**

### **Provisional Registration of Mental Health Establishments**

#### **3. Procedure for Provisional Registration of Mental Health Establishments: -**

- (1) Every mental health establishment in the State, except those under the control of the Central Government shall register with the State Authority.
- (2) Every mental health establishment referred to under sub-rule (1) shall submit an application for provisional registration to the State Authority in Form-A along with the fees specified in sub-rule (3), paid by way of Demand Draft to the State Mental Health Authority, Tripura.
- (3) For purpose of provisional registration, mental health establishments in the State are classified into three categories based on the bed-strength of the establishment and the fee levied based on the category of the establishment shall be as specified in the table below:-

**Table**

<b>Category of Establishment</b>		<b>Fee to be Levied</b>
<b>A</b>	Bed strength less than 50	Rupees Five thousand only
<b>B</b>	Bed strength between 51 to 100	Rupees Ten thousand only
<b>C</b>	Bed strength more than 100	Rupees Twenty thousand only

- (4) The State Authority shall, on being satisfied that the mental health establishment fulfils all the requirements specified in sections 65 and 66 of the Act, grant a provisional registration certificate in Form-B.

#### **4. Validity and Renewal of Certificate of Registration -**

- (1) The provisional registration certificate granted shall be valid for a period of twelve months from the date of such grant.
- (2) An application for renewal of such certificate shall be made in Form-A within thirty days before the date of expiry of validity of such certificate.
- (3) If the application for renewal is not made within thirty days, before the expiry of the period of validity, the registration shall cease to be current until a fresh application for renewal is made along with the fees specified for provisional registration.

(4) All payment of fee for registration or renewal shall be paid by way of Demand Draft to the State Mental Health Authority. Demand Draft should be drawn in favour of the Chairperson, State Mental Health Authority payable at the place where the state Authority is situated.

(5) Every person or organisation who proposes to establish or run a mental health establishment shall register the said establishment with the Authority under the provisions of this Act.: Provided that the Central Government, may by notification, exempt any category or class of existing mental health establishments from the requirement of registration under this Act.

Explanation. – In case a mental health establishment has been registered under the clinical establishments (Registration and Regulation) Act, 2010 or any other law for the time being in force in a State, such mental health establishment shall submit a copy of the said registration along with an application in such form as may be prescribed to the Authority with an undertaking that the mental health establishment fulfils the minimum standards, if any, specified by the Authority for the specified category of mental health establishment.

(6) The Authority shall, on receipt of application under sub-section (5), on being satisfied that such mental health establishment fulfils the standards specified by the Authority, issue a certificate of registration in such form as may be prescribed: Provided that till the period the Authority specifies the minimum standards for different categories of mental health establishments, it shall issue a provisional certificate of registration to the mental health establishment: Provided further that on specifying the minimum standards for different categories of mental health establishments, the mental health establishment referred to in the first provision shall, within a period of six months from the date such standards are specified, submit to the Authority an undertaking stating therein that such establishment fulfils the specified minimum standards and on being satisfied that such establishment fulfils the minimum standards, the Authority shall issue a certificate of registration to such mental health establishment.

#### **5. No Registration Fee for Government Mental Health Establishment: -**

(1) No registration fee or renewal fee or fee for issue of duplicate certificate shall be payable by Government Mental Health Establishment.

(2) Notwithstanding the concessions made under sub-rule (1), all Government Mental Health Establishment facilities shall be required to obtain provisional registration, keep them renewed in time and conform to the stipulated standards of

performance.

**6. Issue of Duplicate Certificate:-** Where a certificate of registration granted to a mental health establishment is destroyed, lost, mutilated or damaged, the State Authority may issue a duplicate certificate on application made by such establishment along with a fee of one thousand rupees in the manner specified in sub-rule (04) of Rule (4).

**7. Conditions for issue of registration certificate for mental health professionals: -**

(1) The mental health professionals shall register with the State Authority and renew periodically, by submitting the application in Form-E. The State Authority shall issue certificate of registration in Form-F.

(2) The registration certificate issued shall be subject to the conditions laid down in the Act and the Rules and Regulations made there under and shall be valid for a period of five years from the date of its issue and can be renewed one month in advance of the date of expiry.

**8. Maintenance of Digital Register: -**

(1) The Authority shall maintain category-wise digital registers in respect of the following, namely:-

(i) Register of all registered mental health establishments in accordance with the provisions of section 55 and 71, in Form-C;

(ii) Register of all registered mental health professionals in accordance with the provisions of section 55, in Form-D;

(2) The State Government shall maintain mental health digital portal

**9. Maintenance of On-line Registers: -**

(1) For the purposes of these Rules, the State Authority shall make Regulations or issue notifications from time to time, with regards to creating and operating on-line registers of mental health professionals, mental health establishments, advanced directives for admission and discharge of patients in the mental health establishments and maintaining basic medical records by taking into account the prevailing laws, standards, guidelines, standard operating procedures, Rules and Regulations for such online database or portal, from time to time.

(2) All the mental health establishments and mental health professionals shall implement the Rules, Regulations or other instructions and directives issued by the

State Authority, with regard to maintenance of online registers.

### **CHAPTER-III**

#### **Finance, Accounts and Audit**

##### **10. Accounts and Audit: -**

(1) The State Authority shall maintain accounts of its income and expenditure relating to each year and prepare an annual statement of accounts consisting of income and expenditure and the balance sheet.

(2) The annual statement of accounts shall be submitted for audit, not later than 30<sup>th</sup> September of each year in the common accounting format prescribed from time to time by the Ministry of Finance for the central autonomous bodies or as nearer thereto as the circumstances admit.

(3) The annual statement of accounts prepared under sub-rule (1) shall be signed on behalf of the State Authority by the In-charge of accounts and the Chief Executive Officer and shall be approved by the State Authority.

##### **11. Annual Report: -**

(1) The State Authority shall prepare its annual report in Form-G and forward it to the State Government within nine months from the end of the financial year, for being laid before the House of State Legislature.

(2) The annual report shall give complete details of the activities of the State Authority during the previous year and shall include the audited accounts of the year and the report of the Comptroller and Auditor General of India thereon.

### **CHAPTER-IV**

#### **Audit, Inspection and Inquiry of mental health establishments**

##### **12. Audit of mental health establishments: -**

(1) For the purpose of conducting audit of the registered mental health establishments in the State and to ensure that such mental health establishments comply with the minimum standards specified under the Act, the State Authority shall authorize the following persons, namely:-

- (i) A psychiatrist who is in Government service,
- (ii) One representative of the District Collector of the district where the mental health establishment is situated and

(iii) Any two persons from among the following, namely,-

- (a) A representative of the State Human Rights Commission;
- (b) A psychiatrist who is in private practice;
- (c) A mental health professional who is not a psychiatrist;
- (d) A representative of a non-governmental organization working in the area of mental health;
- (e) Representatives of the care-givers of persons with mental illness or organizations representing care-givers; and
- (f) Representatives of the persons who have or have had mental illness.

(2) For conducting audit of registered mental health establishments, the State Authority shall charge a fee of rupees five thousand which may be paid by way of Demand Draft, drawn in favour of the Chairperson, State Mental Health Authority payable at the place where authority is situated. No such fee shall be charged for conducting audit of Government Mental Health Establishments.

**13. Inspection and inquiry: -**

(1) The State Authority may, suo-moto or on a complaint received from any person, with respect to non-adherence of minimum standards specified by or under the Act or contravention of any provision thereof, order an inspection and inquiry of such mental health establishment, to be made by two or more of the following persons, namely:-

- (a) a psychiatrist in Government service;
- (b) a psychiatrist in private practice;
- (c) a mental health professional who is not a psychiatrist;
- (d) a representative of a non-governmental organization working in the area of mental health;
- (e) a police officer in charge of the police station under whose jurisdiction the mental health establishment is situated; and
- (f) a representative of the District Collector or District Commissioner of the district, where the mental health establishment is situated.

(2) The State Authority or the person authorized by it under sub-rule (1), if it has reasons to believe that a person is operating a mental health establishment without registration or is not adhering to the minimum standards specified by or under the Act or has been contravening any of the provisions of the Act or the Rules and

regulations made there under, shall have powers to enter and search such mental health establishment.

(3) During search, the State Authority or the person authorized by it may require the mental health professional, in-charge of the mental health establishment to produce the original documents relating to its registration with the State Authority and it shall be obligatory on the part of the mental health establishment to produce such documents.

(4) Within two days of completing the inspection and search of the mental health establishment under sub-rule (3), a written report of the findings of such inspection and search shall be submitted to the Chairperson of the State Authority.

(5) The Chairperson of the State Authority, shall, on receipt of the written report under sub-rule (4), take such action as it deems fit, against the defaulting mental health establishment, in accordance with the provisions of the Act.

By order and in the name of the  
Governor of Tripura

Signed by Kiran Kumar  
Dinkmao Gite

Date: 18-04-2024 07:16:34

Reason: Approved

Secretary  
Government of Tripura

Health & Family Welfare Department

### **FORM-A**

[See Rules 3(2) and 4]

### **APPLICATION FOR GRANT OF PROVISIONAL REGISTRATION / RENEWAL OF PROVISIONAL REGISTRATION OF A MENTAL HEALTH ESTABLISHMENT**

**To**

**The Chairman  
State Mental Health Authority, Tripura  
Department of Health & family Welfare  
Government of Tripura.**

**Dear Sir/Madam,**

I/we intend to apply for grant of provisional registration/ permanent registration/ renewal of provisional registration for the Mental Health Establishment

namely of which I am/we are holding a valid license/registration for the establishment/maintenance of such hospital/nursing home. Details of the hospital/nursing home are given below:

1. Name of applicant:

.....

2. Details of license with reference to the name of the authority issuing the license and date .....

3. Age : .....

4. Professional experience in psychiatry: .....

.....

5. Permanent address of the applicant:

.....

6. Location of the proposed hospital/nursing home:

.....

7. Address of the proposed nursing home/hospital: .....

.....

8. Proposed accommodations: .....

.....

(a) Number of rooms: .....

.....

(b) Number of beds: .....

.....

(c) Facilities provided: .....

.....

(d) Out-patient:

.....

(e) Emergency services

.....

(f) In-patient facilities .....

.....

(g) Occupational and recreational facilities: .....

.....

(h) ECT facilities (n X-Ray facilities:



.....  
(i) Psychological testing facilities:

.....  
(j) Investigation and laboratory facilities : .....

.....  
(k) Treatment facilities:

.....  
**Staff pattern:**

- (a) Number of doctors: .....  
(b) Number of nurses: .....  
(c) Number of attendees: .....  
(d) Others: .....

I am herewith sending a bank draft for Rs.....

....., (in words Rupees:

.....  
.....) drawn in favour of.....  
..... as application fee.

Account Name: State Mental Health Authority Govt.

Name of the Bank: Tripura Gramin Bank, Gurkhabasti

Account No. 8037010002660

I, hereby undertake to abide by the Rules and regulations of the State Mental Health Authority, Tripura:

I, request you to consider my application and grant the license for establishment/maintenance of psychiatric hospital/nursing home.

Yours faithfully

Signature .....

.....

Name

.....  
Date  
.....

**FORM- B**  
(see sub-rule (4) of rule 3)

**CERTIFICATE OF PROVISIONAL REGISTRATION OR RENEWAL OF  
PROVISIONAL REGISTRATION FOR MENTAL HEALTH ESTABLISHMENTS**

The State Mental Health Authority, after considering the application dated ..... submitted by .....under section 65 (2) or section 66 (3) or section 66(10) of the Mental Healthcare Act, 2017, hereby accords provisional registration/renewal of provisional registration to the applicant mental health establishment in terms of section 66 (4) or section 66 (11), as per the details given hereunder:

- 1. Name of the mental health establishment:
- 2. Address:
- 3. Number of beds:

The provisional registration certificate issued is subject to the conditions laid down in the Mental Healthcare Act, 2017 and the Rules and regulations made there under and shall be valid for a period of twelve months from the date of its issued and can be renewed.

Date:  
Place:

Registration Authority:

Seal of the Registration Authority:

(see clause (i) of sub-rule (1) of rule 8)

**REGISTER OF MENTAL HEALTH ESTABLISHMENTS  
(IN DIGITAL FORMAT)**

(Separate table for each category of mental health establishments)

Category of mental health establishments: -

Sl. No.	Name and address of the applicant	Name and address of the establishment	Date of the application	Date and particulars of registration	No. of beds	Remarks

**FORM- D**

(see clause (ii) of sub-rule (1) of rule 8)

**REGISTER OF MENTAL HEALTH PROFESSIONALS  
(IN DIGITAL FORMAT)**

(Separate table for each category of mental health professionals)

Category of mental health professionals: -

Sl. No.	Full Name and address of the applicant	Qualification	RCI/NCI /others*	Place of Practice or work	Phone Number and Email	Remarks

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\*the Psychiatric Social Workers shall be registered as provided in the Mental Healthcare Act, 2017.

**FORM- E**

(see sub-rule (1) of rule 7)

**APPLICATION FOR GRANT OF REGISTRATION / RENEWAL OF  
REGISTRATION FOR MENTAL HEALTH PROFESSIONALS**

**To  
The Chairman  
State Mental Health Authority, Tripura  
The Department of Health and Family Welfare,  
Government of Tripura**

Dear Sir,

I intend to apply for grant of registration/ renewal of registration, to practice as mental health professional, namely

.....

1. Name of applicant:
2. Details of Educational qualifications in respective specialties\*
3. Age:
4. Professional experience in Psychiatry:
5. Permanent address of the applicant:
6. Place of practice or work:
7. Other qualifications (copies attached):

I hereby undertake to abide by the Rules and regulation of the State Mental Health Authority, Tripura.

I request you to consider my application and grant the registration/renewal to practice as mental health professional, in Tripura State.

Date:

Place:

Yours faithfully,

Signature.....

Name.....

(This is not applicable for Psychiatric Social Worker)

**FORM- F**

(see sub-rule (1) of rule 7)

**CERTIFICATE OF REGISTRATION/ RENEWAL OF REGISTRATION  
FOR MENTAL HEALTH PROFESSIONALS**

The State Mental Health Authority, after considering the application dated ..... submitted by ..... under section 55 (1) (d) of the Mental Healthcare Act, 2017, hereby accords registration/renewal of registration to the applicant, as mental health professional in the category of .....

Registration No:

Name:

Address:

The registration certificate issued is subject to the conditions laid down in the Mental Healthcare Act, 2017 and the Rules and regulations made there under and shall be valid for a period of five years from the date of its issue and can be renewed.

Date:

Place:

Registration Authority:

Seal of the Registration  
Authority:

**FORM- G**  
(See sub-rule (1) rule 11)

**ANNUAL REPORT OF STATE AUTHORITY**

1. Introduction:
2. Profile of the Authority's members:
3. Scope of regulation:
4. New Regulations or procedures etc. notified or issued during the year:
5. Orders passed during the year:
6. Meetings held during the year:
7. Details of mental health establishments under the control of the State Government:
8. Details of mental health establishments in the state:
9. Details of registration of mental health professionals:
10. A statement on references received from central and state Governments and action taken thereon:
11. A statement on references sent to the central and state Governments and action taken thereon by the respective Governments:
12. Quality and service provision norms for different types of mental health establishments under the state Government:
13. Supervision of mental health establishments under the state Government and action taken on the complaints received about deficiencies in provision of services therein:
14. Training imparted to persons including law enforcement officials, mental health professionals and other health professionals about the provisions and implementation of the Mental Healthcare Act, 2017:
15. Applications for registration of mental health establishments received, accepted and rejected along with reasons for such rejection:
16. Audit of mental health establishments:
17. Complaints received regarding violation of rights of mentally ill persons and action taken thereon:
18. Details of guidance issued for medical practitioners:

19. Implementation of RTI Act, 2005:
20. Details regarding sexual harassment of women at workplace under Section 22 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013:
21. Inspection and inquiry of mental health establishments:
22. Appeals to High Court against order of Authority and status thereof:
23. Status of review of use of advance directives and recommendations:
24. Complaints received about deficiencies in provision of services and action taken thereon:
26. Details of inquiry initiated:
27. Administration and establishment matters:
28. Annual budget, accounts and audit reports:
29. Any other-matter, which in the opinion of the Authority needs to be highlighted:

**Secretary**  
**Government of Tripura**  
**Health & Family Welfare Department**